

## SENATE REQUEST FOR ADDITIONAL SPACE

Section 2-17-101(1)(b), MCA provides that "Subject to 2-17-108, ...the department {Department of Administration}, with the advice of the legislative council, shall allocate other space for the use of the legislature, including but not limited to space for committee rooms and legislative offices."

### **The Issue:**

The Senate has faced a shortage of legislative office space for many sessions:

- The Secretary of the Senate's office is effectively in a hallway used by staff, legislators and the public as a means of travel between the Capitol hallway and leadership offices.
- The Majority leader shares an office with 3-4 staff members; this provides no private space for this official.
- One Senator is provided an office in a closet that is little more than 5x8 feet, about the size of a throw rug.
- Several secretaries are housed and work on their committee business in a hallway.

None of these spaces are conducive to working or meeting with important visitors. We have received permission to address the Majority Leader's office space by adding a wall beside the President's office. It has been suggested that room 336, the current press office, which sits directly in the middle of Senate space, is the only non-legislative office on the 3<sup>rd</sup> floor of the Senate wing of the Capitol and would be an appropriate Senate office.

### **Background:**

Prior to the 2001 Capitol Renovation, Rooms 335 and 336 were one L-shaped legislative committee room. Early plans for the renovation included replacing the third floor press office, which at the time was at the head of the grand staircase, with one of the current restrooms. In order to provide a location for the press, that project also included dividing the legislative L-shaped room into committee room 335 and office space for the Associated Press (AP) room 336.

In 1997 Sen. J.D. Lynch introduced SB 13, which amended 2-17-103 MCA to read: "The department of administration may provide space in the capitol for the use of representatives of the press," deleting the existing provision for "a room on the third floor of the capitol to be used as a permanent press room." Sen. Bill Wilson attempted to amend SB 13 to require that the Department of Administration "shall" provide space for

the press inside the Capitol. That amendment failed 36-11, and the bill in its current form passed 46-1.

In 1999 Rep. Hal Harper introduced House Resolution 36 which named the press office after J.D. Holmes. Aware that a resolution has no legal effect on that or any other legislative session, then-President of the Senate Bruce Crippen recently said that the gesture was meant as a show of respect for retiring long-time reporter Holmes and that it would be up to the next president what to do with the legislative space.

The General Services Division of the Department of Administration, meeting the provision of 2-17-103 that the department “may provide space in the capitol for use of representatives of the press,” has designated Rooms 52A and 52B for the media. Any member of the press who would like an office in the Capitol during a legislative session can use this room.

The current tenant of Room 336 is the Associated Press, which currently houses one contracted reporter in the office. During a press interview in December 2014 about the placement of the AP office, AP regional bureau chief in Denver Jim Clarke was quoted as saying, “The Associated Press is in the business of reporting the news fairly and accurately, and in particular we’re in the business of holding political leaders accountable. We can do that from our current press room, or we can do it from the basement, but either way, we’re going to do it.”

**Possible Action Motion:**

That the Legislative Council formally request the Department of Administration to reinstate Room 336 as a Senate space.

## Senate Bill No. 13

Introduced By lynch

By Request of the Department of Administration and the Legislative Council

A Bill for an Act entitled: "An Act generally revising the laws governing the allocation of space in the capitol; allowing flexibility in locating a press room; clarifying authority over the allocation of legislative space; amending sections 2-17-101, 2-17-103, 2-17-108, and 5-2-503, MCA; and providing an immediate effective date."

Be it enacted by the Legislature of the State of Montana:

**Section 1.** Section 2-17-101, MCA, is amended to read:

**"2-17-101. Allocation of space.** (1) The department of administration shall determine the space required by state agencies other than the university system and shall allocate space in buildings owned or leased by the state, based on each agency's need. To efficiently and effectively allocate space, the department periodically shall identify the amount, location, and nature of space used by each agency.

(2) An agency requiring additional space shall notify the department. The department, in consultation with the agency, shall determine the amount and nature of the space needed and locate space within a building owned or leased by the state to meet the agency's requirements. If space is not available in a building owned or leased by the state, the department shall locate space to be leased in an appropriate building or recommend alternatives to leasing, such as remodeling or exchanging space with another agency. A state agency may not lease, rent, or purchase property for quarters without prior approval of the department.

(3) (a) The location of the chambers for the house of representatives must be determined in the sole discretion of the house of representatives. The location of the chambers of the senate must be determined in the sole discretion of the senate.

(b) The Subject to 2-17-108, the department of administration, with the advice of the legislative council, shall allocate other space for the use of the legislature, including but not limited to space for committee rooms and legislative offices.

(4) For state agencies located in a city other than Helena, the department of ~~administration~~ shall consolidate the offices of these agencies in a single, central location within the city whenever the consolidation would result in a cost savings to the state while permitting sufficient space and facilities for the agencies. The department may purchase, lease, or acquire, by exchange or otherwise, land and

buildings in the city to achieve consolidation. Offices of the law enforcement services division and motor vehicle division of the department of justice are exempted from consolidation."

**Section 2.** Section 2-17-103, MCA, is amended to read:

**"2-17-103. Permanent press Press room.** ~~The department of administration is required to may provide space in the capitol for the use of representatives of the press a room on the third floor of the capitol to be used as a permanent press room.~~"

**Section 3.** Section 2-17-108, MCA, is amended to read:

**"2-17-108. Allocation of legislative rooms and offices.** ~~Notwithstanding the provisions of 2-17-101, after each session of the legislature, the department of administration shall conduct an inventory of the rooms and offices in the capitol controlled by the house of representatives and the senate shall continue to occupy and control the rooms and offices in the capitol building that they occupied and controlled during the 50th and 51st legislatures. Legislative space in the capitol may not be reduced without the consent of the legislature. The control of the rooms and offices may not be changed without the permission of the speaker of the house of representatives, the minority leader of the house, the president of the senate, and the minority leader of the senate.~~"

**Section 4.** Section 5-2-503, MCA, is amended to read:

**"5-2-503. Consolidation of legislative branch entities for specified purposes.** (1) An entity of the legislative branch that is consolidated with the legislative council as provided in 5-2-504 shall:

- (a) exercise its substantive functions independently as provided by law;
- (b) adhere to administrative policies, including personnel policies, adopted by the legislative council;
- (c) submit its budget proposals through the legislative council; and
- (d) submit reports required of it as provided in 5-11-210.

(2) The legislative council shall:

- (a) coordinate budgeting, recordkeeping, reporting, and related administrative and clerical functions as a consolidated entity, including acknowledgment of actions by the approving authority of the consolidated entity;
- (b) include within the legislative council budget the budget proposals for the legislature and the consolidated entities, separately identified;

- (c) provide separate identification for appropriations and expenditures for the legislature and for each of the consolidated entities;
  - (d) establish procedures for approval of expenditures by the legislature and by each of the consolidated entities; and
  - (e) provide personnel administration for the legislative branch. The senate and the house of representatives or a consolidated entity with statutory hiring authority may hire its own personnel, subject to administrative procedures established by the legislature and legislative council.
- (3) The legislative council shall allocate office space occupied by the legislative branch for the use of a consolidated entity as necessary. Space occupied by the senate or the house of representatives may not be reallocated except ~~upon approval of the respective house as provided in the rules of that house 2-17-108~~. The location of the chambers of the house of representatives and the senate must be determined as provided by 2-17-101."

NEW SECTION. **Section 5. Effective date.** [This act] is effective on passage and approval.

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# Capitol press room loses out to restroom

## Montana Senate votes to repeal law requiring space for writers

Associated Press

HELENA — Restroom 46, press room 1.

That was the sentiment Friday in the state Senate, as members endorsed a bill that will have the effect of bouncing print reporters from a third-floor room in the Capitol they have used for decades.

A Capitol renovation plan calls for converting the space to a men's restroom.

Senators voted 46-1 for a bill that paves the way for the change. SB13 amends a 1945 law that said the state Department of Administration "is required to provide ... a room on the

third floor of the Capitol to be used as a permanent press room."

The bill introduced by Sen. J.D. Lynch, D-Butte, deletes that requirement and says merely the department "may provide space in the Capitol" for the press.

Senators will take a final vote on the measure Saturday, sending it to the House.

Lynch said times and technology have changed since 1945 and it is not so important now that reporters have office space close by the House and Senate chambers and leadership offices, which also are on the Capitol's third floor.

"I believe the press will be given some space" in the Capitol, Lynch said. "I don't think the Department of Administration wants to pick a

fight with the press any more than I do."

"I don't think anyone really wants to kick out the media," added Sen. Don Hargrove, R-Belgrade.

Lynch noted that television and radio reporters have no guarantee of Capitol space in the law, yet they rent space in the Capitol basement.

Print reporters have always used their space rent-free, although the state has declined offers from The Associated Press over the years to pay rent, lawmakers were told when the bill was heard in committee.

Sen. Bill Wilson, D-Great Falls, who cast the only vote against the bill Friday, tried to amend it to say the state "shall" provide space for the press inside the Capitol, an effort that failed 36-11.

Wilson and Sen. Fred Van Valkenburg, D-Missoula, said they fear that space elsewhere in the Capitol won't be available. That would mean less thorough coverage, they argued.

"We're sending the press the wrong message and we're sending the people of Montana the wrong message — that informing the public is less important," Wilson said.

Van Valkenburg said The Associated Press deserves to have space in the Capitol because it provides state government news to both print and broadcast outlets and "is the public record of what happens here."

"If you end up having The Associated Press off the Capitol complex ... there will not be as much coverage of government," Van Valkenburg said.



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